

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/423,014 01/18/00 MARCQ

L 19210/125/10

PM82/1003

EXAMINER

LAWRENCE M NAWROCKI  
NAWROCKI ROONEY & SIVERTSON  
3433 BROADWAY STREET NORTHEAST  
SUITE 401 BROADWAY PLACE EAST  
MINNEAPOLIS MN 55413

GREEN, R

ART UNIT

PAPER NUMBER

3628

DATE MAILED:

10/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/423,014

Applicant(s)

Examiner

Group Art Unit

3628

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10/27/99.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-24 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3628

### ***Specification***

1. The abstract of the disclosure is objected to because the heading should be Abstract and not Summary. Also the abstract should be in narrative form and not in claim form. It also contains legal phraseology "said" which is improper. Correction is required. See MPEP § 608.01(b).
2. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

The sections of the specification should be preceded by the appropriate heading, see below.

### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
  1. Field of the Invention.
  2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Art Unit: 3628

***Claim Rejections - 35 USC § 112***

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-24 are replete with indefinite errors to numerous to mention specifically. Examples of such errors are as follows: In claim 1, line 3, "characterized" is misspelled. In claim 1, line 3, "said set" should be "said set of elements". In claim 1, line 14, "for example" is indefinite since the metes and bounds of the phrase can not be determined. In claim 1, line 14, it is not clear whether the at least one flexible structure item is of the item defined earlier in the claim. In claim 1, line 15, it is not clear whether the three items are part of the item defined earlier in the claim. In claim 1, lines 16,18,20,21, it is not clear whether these elements are the same as the elements mentioned earlier: "elevation structure", "upper hooking devices", "fixing devices", and "base". In claim 1, line 21, "sometimes no" is indefinite since the metes and bounds of the phrase can not be determined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3628

4. Claims 1-7 and 9-24, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent 768634A1.

The claims are so replete with indefinite errors it is very difficult to determine what the applicant is claiming. European Patent 768634A1 shows in figures 1-11 a set of elements including upper hooking member (5) with recesses, lower hooking member (the hooks on base 3), bases (3), and flexible structure elements (6). In regard to claim 2, as broadly claimed, the device is "ready" to be set in a trihedral or quadrilateral shape. In regard to claims 23 and 24, European Patent 768634A1 shows in figure 6 a package for holding the device.

5. Claims 1-22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Dabrohua et al. (U.S. Patent No. 1,699,735).

The claims are so replete with indefinite errors it is very difficult to determine what the applicant is claiming. Dabrohua et al. shows in figures 1-10 a set of elements including upper hooking member (3) with recesses, lower hooking member (3), base (19), and flexible structure elements (9,10,13). In regard to claim 2, as broadly claimed, the device is "ready" to be set in a trihedral or quadrilateral shape.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3628

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23 and 24, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabrohua et al. (U.S. Patent No. 1,699,735) in view of European Patent 768634A1.

Dabrohua et al. discloses the applicant's basic inventive concept except for placing the device within a package. European Patent 768634A1 shows in figure 6 a package for holding a device. In view of the teachings of European Patent 768634A1 it would have been obvious to one in the art modify Dabrohua et al. by providing a package since this would allow the device to be stored and transported in an easier and more convenient manner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perutz et al., LaMotte, Euzarraga, Tidwell, and Marco teach the use of portable display devices. Shen teaches the use of an illuminated display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011.

Application/Control Number: 09/423,014

Page 6

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
BRIAN K. GREEN  
PRIMARY EXAMINER

bkg

Sept. 27, 2001